



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHRISTOPHER RANSOM,

Plaintiff,

-against-

C.O. ANDREWS,

Defendant.

21-CV-6343 (JPO) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

The Court has received and reviewed plaintiff Ransom's letter dated June 21, 2022 (Dkt. No. 35), which seeks an order compelling defendants to respond to his Local Civil Rule 33.2 interrogatories and requests for production of documents – in particular No. 8. The Court has also received and reviewed defendant Andrews's responding letter dated July 6, 2022 (Dkt. No. 37), which attaches a copy of his previously-served responses to plaintiff's Local Civil Rule 33.2 interrogatories and requests for production of documents – including No. 8, as follows:

INTERROGATORY AND DOCUMENT REQUEST NO. 8:

For any defendants, other than for the Commissioner, any Deputy Commissioner or Assistant Commissioner, Warden and ranks above (and any similar positions for other Departments and Facilities), identify and produce all documents concerning any employment-related proceeding, whether administrative, civil or criminal, in which the defendants formally was counseled, disciplined, punished, or criminally prosecuted, or otherwise made the subject of remedial action in connection with having failed to make a report or having made a false statement of any kind.

RESPONSE TO INTERROGATORY AND DOCUMENT REQUEST NO. 8:

In response to Interrogatory and Document Request No. 8, defendant objects on the grounds that it is vague, ambiguous, overbroad, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects on grounds that the request is not relevant to any claim or defense in this action. Defendant further objects to the extent this request because it: (a) seeks information concerning allegations of misconduct that were not substantiated or did not result in a finding of wrongdoing; and (b) seeks documents reflecting ongoing investigations, which are protected by the law enforcement privilege and the deliberative process privilege. Defendant objects to Interrogatory and Document Request No. 8 to the extent that it implicates the

privacy interests of non-parties, calls for information protected by attorney-client, work product, and/or deliberate process privileges. Defendant further objects on the grounds that it is compound and that non-party inmate names, book & case numbers, and/or other identifying information, including but not limited to, NYSID numbers implicate privacy, safety, and security interests of non-parties and may be protected by the sealing provisions of New York Criminal Procedural Law §§ 160.50, 160.55, and/or § 375.1 of the Family Court Act. **Subject to and without waiving, or in any way limiting these objections, defendant states, upon information and belief, that there have been no employment-related proceeding in which the defendant was formally "counseled, disciplined, punished, or criminally prosecuted, or otherwise made the subject of remedial action in connection with having failed to make a report or having made a false statement of any kind."**

(Dkt. No. 23-1 at 9-10 (emphasis added).)

Although defendant has in fact answered plaintiff's Local Civil Rule 33.2 interrogatories and requests for production of documents – including No. 8 – the Court notes that he did not answer "under oath," as required by Fed. R. Civ. P. 33(b)(3) and by the Local Civ. R. 33.2 form interrogatories themselves. *See Wilson v. Calderon*, 2015 WL 13888961, at *4 (S.D.N.Y. May 18, 2015) (directing defendants to "verify under oath" their Local Civil Rule 33.2 interrogatory responses). Defendant shall serve properly signed and sworn Local Civil Rule 33.2 interrogatory answers no later than 30 days after the date of this Order.

Dated: New York, New York
July 8, 2022

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge